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# Letter dated 21 July 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith the reply of the Government of Rwanda on the report of the Group of Experts established pursuant to Security Council resolution 1533 (2004) (S/2004/551).

I would be grateful if you have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
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**Annex to the letter dated 21 July 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council**

# REPLY OF THE REPUBLIC OF RWANDA TO THE GROUP OF EXPERTS REPORT

## I. INTRODUCTION:

1. The Government of the Republic of Rwanda has taken note of the allegations contained in the Group of Experts report, which, without credible supporting evidence, claims that Rwanda is non compliant with the sanctions regime established under Security Council Resolution 1493. This report was deliberately leaked to the media and others, without Rwanda even being accorded the courtesy of viewing it. Rwanda takes strong exception to this treatment of a Member State by a working group of the United Nations. It cannot and should not be accepted that organs and groups of the United Nations serve as originators of, and conduits for, hostile propaganda targeted at Member States.
2. Security Council Resolution 1493 (2003) decided, inter alia, that all States, **including the Democratic Republic of the Congo**, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories, or by their nationals, or using their flag or vessels or aircraft, of arms and any related materiel, and the provision of training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and all inclusive agreement, in the Democratic Republic of the Congo. The Fourteenth Report of the Secretary General on MONUC (S/2003/1098) recommended a three-tier approach to the monitoring of arms flow in the Region.

3. Security Council Resolution 1533 decided, inter alia, on the establishment of a Committee of the Security Council consisting of all members of the Council, to seek from States, information regarding actions taken by them to implement effectively the measures imposed by paragraph 20 of Resolution 1493 and to comply with paragraphs 18 and 24 of the same resolution. The Council also requested the Secretary General to create a Group of Experts for a period expiring on 28 July 2004. The Group of Experts was mandated to gather and analyze all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, **in cooperation with governments of those Countries**, on the flow of arms and related materiel, as well as networks operating in violation of measures imposed by paragraph 20 of Resolution 1493, and to consider and recommend, where appropriate, ways of improving the capabilities of interested States.
4. The Group of Experts met with Government Officials on the 18th of June 2004. Government had not been aware of their visit due to the fact that a letter to the Ministry of Foreign Affairs dated the 11 June 2004 and announcing their impending visit, was only delivered on the 17th of June 204. Rwanda had not received the letter. Despite the very short notice, however, Rwanda made sure the Group of Experts met with the Inter Ministerial Committee set up to monitor compliance with Resolution 1493. This was a preliminary meeting, aimed at clarifying the Experts' modus operandus while in Rwanda. Rwanda requested for, and did not receive: the Experts' intended method of work, their definition of key terms (including *armed groups, militias, illicit movement of arms*), and the list of the groups targeted by Resolution 1493. Rwanda also requested a list of the concerns the Experts might have. A perfunctory list of concerns was transmitted and Rwanda replied, but this exchange does not appear in the Experts' report. This exchange will be transmitted as Annex I to this reply. It is important to note that the issues, which form the bulk of the Experts' report, did not feature in the list of concerns. This was the only meeting between the group and Rwandan officials, except for tangential and cursory meetings with some local officials. While the Experts have stated that they considered Rwanda as "a front line state" and that her role was decisive to the implementation of the arms embargo, it is unacceptable that from May 2004 when

they started their work, to the time they leaked their report, the Experts made very little effort to engage in dialogue with Government on these important issues. **Rwanda considers that the Experts did not cooperate with the government of Rwanda as decided by Council** and this has inevitably led to the production of a fundamentally flawed report, both in process and content.

5. The EXFAR /INTERAHAMWE genocidal forces, currently known as FDLR/FOCA, are the root cause of the recent conflicts in the DRC and the region. There is a regional consensus, based on firm intelligence, and reiterated recently by the Heads of State in Abuja, at the high level meeting held at the margins of the African Union Heads of Assembly Summit in Addis Ababa, and the tripartite meeting of Ministers of the DRC, Rwanda and Uganda held the 14-15th of July 2004 in Washington DC, that these forces cause a significant common threat to all the countries in the region. Given this fact, one would have expected the Experts to concentrate the bulk of their limited time to an investigation on flow of arms and related materiel to these forces. That the Experts chose to focus on other issues, and indeed gloss over the threat presented by the genocidal forces, should be a clear indictment of the priorities, methods of work, and guiding philosophy of the Group of Experts. This has led to the production of a report only useful for propaganda purposes, but not helpful to the return of peace and security in the region, or the advancement of the aims of Security Council Resolution 1493. Rwanda will now reply to the allegations contained in the report.

## II. Rwanda's alleged support to Mutebutsi and Nkunda's forces.

1. Rwanda indeed is a front line State, because the genocidal forces operating in the DRC have it as their primary target. These forces should have been the primary target for the Experts' investigations. It should be recalled that the presence of MONUC in the DRC, was not a result of Mutebutsi and Nkunda's actions, but is directly linked to the ever-present threat from these genocidal forces. Mutebutsi, Nkunda, Mbuza Mabe and others, fought on Congolese soil for reasons internal to Congo. Rwanda exercised no control, political, military or otherwise, on any of the parties to the conflict

in the DRC, a conflict in which Rwanda had no strategic or tactical interest.

2. The allegation that certain businesses, as well as financial and political targets in Bukavu were spared on direct orders by Rwandan officials is offensive to Rwanda. Rwanda does not believe in targeting non-military installations during armed conflicts, nor does she instigate or condone acts of vandalism. The absence of judicial recourse is no reason for the group to make serious allegations in a cavalier manner. Rwanda requests that she be given the opportunity to review the information on which this report is based and to be confronted with her accusers, which is a fundamental right that the UN should enforce. The Experts should find no objection to a review of their sources and information by all interested parties, especially those unjustly accused.
3. Rwanda cannot trace, in her inventories, the weapon cited by the experts as proof of Rwandan supply of arms to Mutebutsi. Government will request the Republic of South Africa, from where this weapon allegedly originated, to help shed light on this matter. Rwanda requests that the experts provide the two Governments with all the information they have which may help to clarify to who purchased the cited weapon and when.
4. Rwanda has not served as a rear base for Mutebutsi. If it was, Rwanda would not have disarmed him and his 300 men. These troops were disarmed in the presence of international and local media, and their arms kept in safe custody. The men, and the arms, pose no threat to the DRC. Mutebutsi never regrouped in Rwanda, and he did not use Rwandan territory as a rear retreat. That Mutebutsi purportedly informed MONUC, as the Experts allege, that he would return to the DRC whenever he pleased, should not be imputed to Rwanda. Mutebutsi remains a Congolese citizen, with his own wishes and desires, but there are internationally recognized procedures for the return of refugees to their countries of origin.
5. On 8 June, 157 Congolese troops fled into Rwanda from Bukavu. They were registered, and some were taken to a UNHCR transit center of Nyagatare, and some were taken to Ntendezi. In all cases, UNHCR was informed and involved. It should be recalled that 3500 civilian refugees had also fled to Cyangugu and were housed at the Nyagatare transit center. Ntendezi was used to separate refugees who were former military from civilian refugees for

security purposes, and for reasons of transparency. It should also be recalled that at the height of the Rwandan refugee crisis in 1994, Rwanda called for fleeing soldiers to be separated from civilian refugees. Had this been done, the history of the region would have been different. Rwanda has taken the lessons of history to heart. Rwanda made sure that all Congolese wounded, be they military or civilian received medical treatment. This is a basic tenet of International Humanitarian Law and Rwanda is at a loss as to whether the Experts consider Mutebutsi and his men to fall outside this law.

6. When he fled to Rwanda, Mutebutsi and his men were quickly disarmed, and transported, by the RDF, to a secure camp in Ntendezi. All UN agencies were informed. They were in military uniform because nobody, including UNHCR had supplied them with civilian clothing, and Rwanda does not believe they should remain unclothed until such a time as civilian clothing becomes available. The camp where they are temporarily located is accessible to all, including the UN who visit it regularly. Government has requested that UNHCR take over the running of the camp, pending relocation of these men, and discussions on this are on going. The Group of Experts were not prevented from visiting the camp where this group is located. Furthermore, Rwanda is unaware that the Group of Experts had wanted to visit a military camp in Bugarama. In any case, no country in the World, including the Experts' own, allows people to simply move into military camps and installations without prior clearance. Bugarama is a town with a sizeable population, and a cement factory among others. The Experts were not prevented from visiting any town.
7. Mutebutsi's and his men are not prisoners in Rwanda. They were not captured by Rwandan troops in battle. Their movements are only limited for security reasons, but indeed, they do move freely within their camp. This is what civilized nations do with non-combatants and refugees and Rwanda is a civilized country. No one has however left this camp, including Col. Mukalay. Government is unaware that Mutebutsi has a propaganda campaign. Government has allowed people, including the media, access to this camp in the interest of transparency and in order to avoid harmful speculation, of the kind in which the Experts indulge.

8. Rwanda does not have a training program for Mutebutsi and his men. Rwandan officers and men were present in their current locations in Cyangugu before Mutebutsi came, and they will be there long after he is gone. It is insulting to claim that the presence of an educational institution nearby is a recruitment gimmick. Rwandan youth in educational institutions are not cannon fodder. Nor are they mercenaries. Rwanda invests in the education of her youth, and is proud of its record in this field. If the Experts view Rwanda's youth simply as a potential pool for recruiters, Rwanda does not.
9. Rwanda has not recruited for, nor has it trained forces purportedly destined for Mutebutsi or any other Congolese actor involved in the recent events in Eastern DRC. The allegations of monetary inducements and mobile phones purportedly supplied by Rwandan officials to those joining Mutebutsi's forces are ridiculous. Rwanda is a functional State, in which all expenditures are accounted for. We challenge the Experts to produce the names of Rwandan officials allegedly involved, with supporting evidence, for prosecution under Rwanda's financial laws. Rwanda does not avail mobile phones to her own troops, let alone Mutebutsi's. Rwanda challenges the Experts to name any training center they visited, in which Congolese forces are being trained. After all, one does not become a soldier by holy writ, but only through training. Rwanda is unaware that there has been recruitment in refugee camps run jointly with UNHCR. Government will solicit the assistance of the UNHCR in establishing the veracity of this claim
10. Rwanda does not forcibly recruit demobilized soldiers. The Demobilization program is run by the Rwanda Demobilization Commission, working closely with the World Bank and other donors. The program is a model for success in the region, and the World Bank and others are using the lessons learnt from it to design and carry out demobilization strategies in Burundi and the DRC. Those who have gone through the program are recorded, and their presence can easily be established. The Experts did not speak to any Officials of the Commission, to corroborate the allegations they propagate. If any body has been abused by any organ of government including the police, or individuals thereof, the Rwandan Constitution has provided for recourse in the form of Courts of Law and the Office of the Ombudsman, among others.

11. Finally, Rwanda is concerned by the veiled insinuations that the families of political and military figures, especially Mutebutsi's, should be punished or rendered unsafe. Rwanda provides safety and security for all Congolese and other nationals living on her territory, including family members of Senior DRC officials with a virulently anti Rwanda stance. The Government of the Republic of Rwanda abhors blackmail and hostage taking as a tool of Statecraft. We call on the Experts to do the same. We recommend that Council sanction the Group of Experts for paragraph ninety four (94) of their report.

## III. ALLEGATIONS OF RWANDAN FORCES INSIDE THE DRC.

1. Rwanda is committed to safeguarding the Virunga National Park, a World Heritage site. The ecosystem in the Virunga Park is intricate, inter linked, and cuts across Rwanda, Uganda, and the DRC. The tourism industry is important to Rwanda, and is a strategic industry for Government, which has invested heavily in it. Protection of the Mountain gorilla, and its ecosystem, is a key component of Rwandan security policy.
2. The Virunga National Park is endangered primarily by insecurity in the DRC, and specifically by the presence of EXFAR/INTERAHAMWE in the park. The genocidal forces have established bases in the Virunga National park from which they launch their attacks on Rwandan territory. Furthermore, there is documented evidence that the genocidal forces have killed and eaten gorillas. In May 2002, these forces killed and ate a gorilla. A member of the group was so terrified by this barbaric behavior that he defected from the group.
3. Rwanda is working with various conservation groups to preserve the mountain gorilla. The efforts have been so successful that the number of gorillas has actually increased significantly in a turnaround from the eighties and early nineties. Tourists going to visit the park, conservationists, and others, have expressed their gratitude to the RDF for ensuring the park is safe and secure. Rwanda will continue to safeguard the mountain gorilla and its ecosystem, because of her own vital national interest. Working

with the conservation community, we shall continue to identify, and contribute to addressing threats to Virunga National park.

4. Rwanda has not maintained fixed positions on DRC territory, and does not know the meaning of the term "semi-fixed positions", as employed by the Experts. **Rwanda is glad to learn that the UN has capabilities to use satellite imagery, and requests that this capability be used to locate the positions and weapons encasements of the Ex FAR/INTERAHAMWE.** What is certain is that satellite imagery alone cannot lead to certainty that weapons encasements belonged to the RDF. The Experts have identified sites where the RDF troops were allegedly deployed. Information in Rwanda's possession indicates that the mentioned sites are all deployed by the FARDC forces under the 8th military region. The 125th battalion of the FARDC's 12th Brigade, is deployed in the areas mentioned by the panel, namely Runyoni, Jomba Park, Kabonero, Lushabanda, Ruginga, Nchanzu, as well as Virunga National Park. Furthermore, EXFAR/INTERAHAMWE units are deployed in areas very close to the sites. Annex II shows the current EXFAR/INTERAHAMWE deployments in these areas. Based on the above, Rwanda finds the allegations of the presence of its troops in any areas of DRC, diversionary from the main security threat in the DRC.
5. The Government of Rwanda wishes to request that the Experts clarify what is meant by "political and military alliances of convenience", and "uncontrolled armed groups" mentioned in paragraph 117 of its report. Government believes that Experts should not be allowed to interpret Security Council Resolutions to suit their views. Where mandates are unclear, they should request Council to clarify. This particular report has suffered from an erroneous interpretation of mandates and priorities.

## IV. THE NEGATIVE FORCES OF THE FDLR.

1. The Rwanda section of the Experts' report is 12 pages long. Of these, the EXFAR/INTERAHAMWE occupy less than two pages. Yet, there is consensus in the region, based on solid intelligence, that these forces pose the most serious threat to the region, including the DRC. **Rwanda finds it unacceptable that Mutebutsi and his men, cantoned and disarmed as they are, should be the focus of the resources of the UN, while the Ex**

**FAR/INTERAHAMWE, over fifteen thousand strong, armed, and involved in ongoing military activities, are largely ignored.** Rwanda wishes to remind that unless and until this issue is dealt with, the region, including the DRC will continue to be destabilized. Rwanda has no intentions of allowing the genocidal forces to substantially raise what the Experts cynically term **"the limited increase in local funerals"** in Northern Rwanda. The idea that deaths resulting from forces that committed genocide should be cavalierly dismissed as a mere increase in local funerals is highly insensitive and deeply abhorrent to Rwanda.

2. Incontrovertible evidence exists, that the flow of arms and related materiel to the genocidal forces present on the territory of the DRC happens with the knowledge of and connivance with officials of the DRC at local and national levels. Furthermore, the re-entry into Bukavu of forces commanded by Mbuza MABE was assisted by FDLR/FOCA forces. Operational and tactical cooperation between units of the FARDC and the FDLR in the 10th military region of South Kivu is constant. Rwanda is concerned that FDLR statements claiming they receive support from their representatives in Europe, in cooperation with allied Ugandan officials, is given more prominence than the overwhelming evidence, some from what the Experts have called "high-ranking" FDRL defectors which evidence shows that the bulk of the arms and materiel used by the FDLR is obtained from or with the assistance of, DRC officials. Rwanda wishes to remind that numerous Council resolutions sanction the supply of arms and materiel to the forces that committed genocide in Rwanda. We find it objectionable that the Experts employed by the UN should gloss over the continued presence of these forces on DRC territory, and the supply of arms and war materiel to these groups by the DRC government, which they claim to have documented.

## V. RECOMMENDATIONS.

1. Stopping supplies to negative forces and other groups not signatory to the Global All Inclusive Agreement in the DRC is important for the return of peace and security in the region. This requires a concerted effort by the International Community. Rwanda has set up an Inter-Ministerial Commission to monitor and enforce the operative paragraph of Resolution 1493, and other relevant

Security Council resolutions. The United Nations should work with the States in the region to strengthen their capacity to enforce the resolutions, especially in the areas of border control, and customs procedures and operations. The Experts should have made this aspect their priority.

2. The FDLR/FOCA, present the greatest threat to regional peace and security. The bulk of their arms and materiel originate from, or transit through, the territory of the DRC. The embargo and its monitoring should therefore be extended to the entire territory of the DRC.
3. The United Nations Security Council should avail the necessary expertise and intelligence assets, including satellite imagery, to the Joint Verification Mechanism between DRC, RWANDA, UGANDA and BURUNDI in which the UN and the African Union will be key participants. The report of the Experts, together with the evidence on which it is based, should be availed to the mechanism.